

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA	§ CASE NO. 4:22-MJ-01539
	§ HOUSTON, TEXAS
VERSUS	§ WEDNESDAY,
	§ JULY 13, 2022
ISAAC AMBE NFORMANGUM	§ 10:07 A.M. TO 10:48 A.M.

DETENTION HEARING (VIA VIDEO)

BEFORE THE HONORABLE PETER BRAY  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:	SEE NEXT PAGE
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1                   HOUSTON, TEXAS; WEDNESDAY, JULY 13, 2022; 10:07 A.M.

2                   THE COURT: All right. Isaac Ambe Nformangum.  
3                   Who's here for the United States?

4                   MR. BENNETT: Rick Bennett for the United States,  
5                   Your Honor.

6                   THE COURT: And for Mr. Nformangum?

7                   MR. OKORAFOR: Ike Okorafor, Your Honor.

8                   THE COURT: All right. Mr. Nformangum, we're doing  
9                   this by video again because of the pandemic. Again, you have  
10                  the right to be live in the courtroom with me and do this by  
11                  video without your consent. Do you continue to consent, sir?

12                  DEFENDANT NFORMANGUM: Yes, sir.

13                  THE COURT: All right. Mr. Bennett, before we  
14                  start, I've actually thought quite a bit about this case in  
15                  the last 24 hours or so, so it's your position he's not a  
16                  danger to the community. Correct?

17                  MR. BENNETT: Correct.

18                  THE COURT: So all we're worried about right now is  
19                  flight risk.

20                  MR. BENNETT: Yes, Your Honor, flight risk. And in  
21                  the Court's consideration under the factors as stated  
22                  yesterday, I ask the Court to consider the threats as part of,  
23                  you know, the whole totality of the circumstances. But, yes,  
24                  it's primarily flight risk.

25                  THE COURT: What I'm getting at is, you don't have

1 any information that he sought to carry out any of these  
2 threats. I mean it's bad enough to make the threats, I'm not  
3 excusing it. Okay?

4 MR. BENNETT: Right.

5 THE COURT: The threat is the damage, the threat is  
6 making somebody scared. I get that and I don't excuse it.  
7 What I'm trying to figure out is whether what we're really  
8 worried about is him not showing up at court because I feel  
9 like we can talk about conditions. I mean you're going to  
10 present the rest of the evidence, but I'm just trying to get  
11 my mind sort of oriented to what the issue is.

12 MR. BENNETT: Yes, Your Honor, and Agent Brown can  
13 correct me if I am mistaken, but there were no guns found.  
14 You know, he told him, Agent Brown, that, you know, he didn't  
15 intend to carry any of this out, you know, taking that for  
16 what it's worth. But, yes, we didn't find any kind of  
17 preparations, any guns, or any evidence to show he was  
18 preparing to do -- to carry out these threats.

19 Is that correct, Agent Brown?

20 AGENT BROWN: Yes, that's correct. You speak  
21 correctly.

22 THE COURT: And since you're there, Agent Brown --  
23 and you remain under oath, okay, sir?

24 AGENT BROWN: Yes, Your Honor.

25 (Witness previously sworn.)

1           THE COURT:    -- I got a letter from -- and we're  
2 going to talk about whatever happened at the door, okay, but  
3 let's skip that for a second just since I have you,  
4 Mr. Okorafor on behalf of Mr. Nformangum presented a proffer  
5 that says that the Defendant actually attempted to call you.

6           Did you get a missed call from him?

7           AGENT BROWN:  No, Your Honor.  And I wanted -- I  
8 thought about this, on June 30 when I interviewed  
9 Mr. Nformangum, I gave him my business card when he was at the  
10 Fort Bend County Jail that has two telephone numbers on that  
11 business card.  One number is the main number to the office  
12 where I work and if he were to call after hours, that number  
13 rolls over to our operations center in Houston, which is there  
14 24/7.  The other number is direct number to my desk and I have  
15 no messages from him.

16          THE COURT:  All right.

17          AGENT BROWN:  I'm not sure if -- what number he  
18 would have called, but those were the only numbers I know that  
19 he would have for me are what was on my business card.

20          THE COURT:  Well, when you did --

21          AGENT BROWN:  Now --

22          THE COURT:  -- when you did arrest him on the  
23 federal warrant, did you interview him?

24          AGENT BROWN:  No, I did not interview him.  I --

25          THE COURT:  Well, all right.  All right.  Did he

1 make any statements like, Hey, I was trying to call you?

2 AGENT BROWN: No, Your Honor, he did not make any  
3 statements --

4 THE COURT: Did he make any statements --

5 AGENT BROWN: -- as to that.

6 THE COURT: -- like, I tried to call 9-1-1, but I  
7 couldn't figure out how to turn myself in?

8 AGENT BROWN: No, he made no statements about that  
9 at all.

10 THE COURT: All right. All right. Does that  
11 provoke any questioning from either you, Mr. Bennett, or you,  
12 Mr. Okorafor?

13 MR. OKORAFOR: One moment, Your Honor.

14 MR. BENNETT: I do have a question, Your Honor, that  
15 I don't think was brought out yesterday from Agent Brown's  
16 testimony.

17 THE COURT: Go ahead.

18 DIRECT EXAMINATION

19 BY MR. BENNETT:

20 Q Agent Brown, when you went to look for Mr. Nformangum and  
21 somebody showed up to his work. Correct?

22 A Yes, one of our Task Force Officers showed up at his  
23 work.

24 Q And was Mr. Nformangum at work?

25 A No, he was not. They interviewed a co-worker and the

1 co-worker said that he'd left about an hour ago either in a  
2 taxi or an Uber.

3 Q And was that in the middle of his shift or was that at  
4 the end of his shift?

5 A When I did interview Mr. Nformangum, he said his shift is  
6 6:00 a.m. to 6:00 p.m. on Saturday, and 6:00 p.m. -- 6:00 a.m.  
7 to 6:00 p.m. on Sunday, so a 12-hour shift on Saturday, a  
8 12-hour shift on Sunday. That's the only time he works. This  
9 was on a Saturday and it was around noon which would have been  
10 right in the dead center of his shift that he had left.

11 Q And I believe yesterday you testified that you all  
12 followed him and he went to his mother's place of work and  
13 then went to a family friend's house; is that correct?

14 A No, we did not follow him, that was a statement he made  
15 to me --

16 Q Okay.

17 A -- when I asked him why he left work early. He says,  
18 Well, I went to my mom's and then she told me to go to the  
19 friend's house. Why don't we try to figure this out? He saw  
20 it on the -- he saw it on the news and that's what provoked  
21 the call.

22 THE COURT: The thing is, though, that I mean let's  
23 just be clear that -- and we're going to have some more facts  
24 and we're going to understand what all went on and I'll decide  
25 from there. So I'm not trying to, you know, jump the gun

1 here, but in the end, you've called him, he picks up the  
2 phone, he tells you where he is, and he waits for you there.  
3 Right?

4 AGENT BROWN: You are correct, Your Honor.

5 THE COURT: All right. Anything else from either  
6 side for Agent Brown?

7 MR. BENNETT: Not from the Government, Your Honor.

8 MR. OKORAFOR: Yes, Your Honor, briefly for the  
9 Defense.

10 THE COURT: All right.

11 CROSS-EXAMINATION

12 BY MR. OKORAFOR:

13 Q Special Agent Brown, how many telephone numbers do you  
14 have?

15 A I have -- well, I have my desk number, which is on my  
16 business card, I have a cell number, and I have a main number  
17 to my office that's on my business card. My cell number is  
18 not on my business card. And to my knowledge the only time  
19 the Defendant had my cell number was either when I called his  
20 mother on the day of his -- this last arrest, or when I called  
21 him at that house when we were looking for him prior to that.

22 Q Okay. Special Agent Brown, could you give me the area  
23 codes for each of these numbers?

24 A Yes, the main number to my office is 409 -- you just want  
25 the area code. Right?



1 Q Yes.

2 A The direct number to my desk is 409 and my cell phone  
3 area code is 313.

4 Q Okay. In regards to your desk and main number, how are  
5 voicemails relayed?

6 A Well, from my desk it's just a standard voicemail like is  
7 on there and it would be on there and I would retrieve it by  
8 putting in my number. To the office, if it's normal business  
9 hours, the secretary would pick it up. If she were away from  
10 her desk or if it were after hours, that number rolls over to  
11 the main FBI Houston Operations Center that's there 24/7.

12 Q Okay. And around noon would your secretary possibly be  
13 at lunch?

14 A On what day of the week? Saturday --

15 Q Saturday -- yes, Saturday, the day you were attempting to  
16 find Isaac.

17 A There would be no one at my office on Saturday to answer  
18 the phone, so it would -- it would roll to the Main Operations  
19 Center.

20 Q And what is the normal procedure when the Main Operating  
21 Center receives a call?

22 A It depends on the nature of the call. If it's a standard  
23 call that there's -- you have a message, they take that  
24 message and they send an email to me that I would get on  
25 Monday.

1 Q Okay. And it's your testimony today that you received no  
2 mail saying that Isaac attempted to contact you?

3 A That's correct, I received no notifications whatsoever.  
4 And I will add, if he were to tell the operator at the FBI,  
5 "Hey, there's a warrant for my arrest, I need to talk to the  
6 agent," they would have called my cell phone number.

7 Q Okay.

8 A And that would be --

9 Q But if he could not leave -- go ahead. Sorry.

10 A I'm just saying that would have been -- that would have  
11 risen to a level that they would have called me on a cell  
12 phone if somebody wants to turn themselves in.

13 THE COURT: Okay. Guys, listen, I get it. There's  
14 a disagreement about whether he called, what efforts he made  
15 to call, and this witness can only say: He did not get those  
16 calls. That's as far as this witness is going to go. We're  
17 not going to do this all morning.

18 So, Agent, you're off the stand.

19 (Witness steps down.)

20 THE COURT: Let's move on. Mr. Bennett, further  
21 evidence from the Government?

22 MR. BENNETT: Yes, Your Honor, the Government calls  
23 Investigator Williamson.

24 INVESTIGATOR WILLIAMSON: I'm here, sir.

25 THE COURT: Let's put him under oath, Jason.

1 THE CLERK: Mr. Williamson, could you raise your  
2 right hand?

3 (Witness sworn.)

4 INVESTIGATOR WILLIAMSON: I do, sir.

5 THE CLERK: I'm done, Judge.

6 THE COURT: All right. Go ahead, Mr. Bennett.

7 DIRECT EXAMINATION

8 BY MR. BENNETT:

9 Q Sir, would you please state your full name for the  
10 Record?

11 A Roger Williamson.

12 Q How are you employed?

13 A I'm employed through the Fort Bend County Sheriff's  
14 Office.

15 Q And on June 27, 2022, did you have an occasion to  
16 encounter Mr. Nformangum?

17 A I did.

18 Q Will you please explain to the Court how that developed  
19 and what you did?

20 A I was contacted by the Harris County Sheriff's Office  
21 Gulf Coast Violent Offenders Unit to ask for our assistance in  
22 Fort Bend, the Gulf Coast Unit, to execute a warrant on this  
23 gentleman that morning. And during the course of the  
24 investigation, we went to the house.

25 Q What did you do at the house?

1       A     I had one team member actually conduct surveillance while  
2     I went to his work, his main office, to obtain information if  
3     he was at work or was he off that day. During that time the  
4     Task Force Officer that was there stated he observed the  
5     gentleman come out of the house, walk to the store. During  
6     that time that Task Force Officer attempted to get a marked  
7     unit to assist him in stopping this -- Mr. Isaac and was  
8     unable to. The Task Force Officer observed Isaac go back into  
9     the actual residence.

10           As I got my team a little together, we briefed  
11     the -- during that time the Task Force Officer that was doing  
12     surveillance on the house observed two females go into the  
13     house. So at that time we knew that Mr. Isaac and two females  
14     were in the house. Once the team was briefed up, we went to  
15     the -- went to the residence. No surveillance was ever  
16     broken. From there we went up, we knocked and announced. We  
17     also had three marked patrol units, one of them actually  
18     activated their lights in front of the house.

19           I personally knocked and announced, "US Marshals,  
20     Police, felony warrant for Isaac." This was done over the  
21     course of at least 90 seconds. There was no movement in the  
22     house. Like I said, we knew three people were in the house.  
23     So we ended up breaching the door and then from there, we  
24     started doing a call out which there was an adult female,  
25     older female that was in the living room area. Two females

1       came from upstairs, along with Isaac, and then Isaac was taken  
2       into custody.

3       Q     Now you said you couldn't see any movement. How could  
4       you -- could you see in the house?

5       A     I could see through the glass, the door had distorted  
6       glass in it, so I mean if there was movement inside, we would  
7       be able to at least see it.

8       Q     And besides the older female, were the other females  
9       adults?

10      A     They were.

11               MR. BENNETT: Pass the witness, Your Honor.

12              THE COURT: Let me just -- I'm going to cut to the  
13      chase real quick.

14              What is the protocol for how long you wait before  
15      you breach the door?

16              AGENT BROWN: It's a case-by-case, but normally  
17      30 seconds.

18              THE COURT: Did you get any indication like -- I  
19      mean, let me put it this way: How loud were you? I mean, are  
20      you banging on the door and yelling with a loud speaker or  
21      just a normal knock, knock, knock? Tell me a little bit more  
22      about how you're trying to get his attention.

23              THE WITNESS: No, it was a very, very loud knock and  
24      my -- I was at the top of voice yelling it. I mean, in my  
25      personal opinion you would be able to hear us. And if there

1 was any doubts, that's why the marked patrol units had their  
2 lights on.

3 THE COURT: And did you -- did you get the  
4 indication while you were there at the door that there were  
5 people scurrying around or trying to hide or you just didn't  
6 see anything, what happened there?

7 THE WITNESS: We just did not see anything. As far  
8 as hearing we could not hear what was going on in the house,  
9 sir.

10 THE COURT: All right. Mr. Okorafor, go ahead.

11 MR. OKORAFOR: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. OKORAFOR:

14 Q Investigator Williamson, were you -- at any time after  
15 breaching the door, did an officers enter the home:

16 A No, sir.

17 Q How much time elapsed from when the door was breached to  
18 when the individuals exited the residence?

19 A Once the door breached, we were able to see the older  
20 female in the house, and the -- everybody came downstairs  
21 immediately after we breached the door and were taken out of  
22 the house.

23 Q Okay. So once the door is breached, you announce for  
24 everybody to come out, and everybody came out without fail.

25 A Correct.

1 Q And nobody tried to elude capture or detention.

2 A No, sir.

3 MR. OKORAFOR: No more questions for this witness,  
4 Your Honor.

5 THE COURT: Anything else, Mr. Bennett?

6 MR. BENNETT: No, Your Honor. We rest.

7 THE COURT: All right. Thank you, Investigator  
8 Williamson. I know that you're busy and I can see you're  
9 there in your patrol car, and we appreciate your time, okay,  
10 sir? But you're excused.

11 THE WITNESS: Thank you very much, sir.

12 (Witness excused.)

13 THE COURT: All right. Okay. The Government has  
14 again rested the reopened evidence. The defense now has a  
15 chance to actually put on some evidence.

16 MR. OKORAFOR: Thank you, Your Honor.

17 Before I call any witness, Your Honor, you  
18 previously mentioned that you received the proffer and  
19 submission to the Court. I have his entire family here today  
20 in the courtroom, we have his mother, Katherine Nformangum, we  
21 have his sister Priscilla Nformangum, we have his other sister  
22 Veronica Nformangum, and we have his grandmother Priscilla  
23 Nformangum. All of the sisters and the grandmother were at  
24 the residence at the time the felony warrant for his Harris  
25 County arrest was made.

1           In the initial proffer to the Court the sisters and  
2 my client Isaac gave different accounts for what happened. So  
3 I'll have to clarify one of the accounts. The sibling said in  
4 the proffer that they did not hear the officers knocking.  
5 When I talked to them again they said that they did hear the  
6 officers knocking, they initially went to look out the window.  
7 When they looked out the window and saw that there were  
8 officers in the driveway, they headed downstairs. But by the  
9 time they got to the front door, the door is breached. When  
10 the officers told them to come out, they did come out and that  
11 matches the testimony of the investigator that we already  
12 heard.

13           I would also like to note that Exhibit A attached to  
14 the proffer submitted to the Court --

15           THE COURT: I just -- I need to ask you something,  
16 Mr. Okorafor.

17           MR. OKORAFOR: Yes, Your Honor.

18           THE COURT: Just to be clear, as an Officer of the  
19 Court, the things you just told me are things that these two  
20 people told you before court today. Correct?

21           MR. OKORAFOR: Yes, Your Honor.

22           THE COURT: And what are their names?

23           MR. OKORAFOR: It's Veronica and Priscilla  
24 Nformangum.

25           THE COURT: All right. Go ahead.



1 MR. OKORAFOR: I'd also like to highlight the  
2 Exhibit A I submitted to the Court showing the lack of a court  
3 date. These are documents given to my client when he was  
4 released from Fort Bend County Jail -- or when he was released  
5 from Harris County Jail. I would also like to highlight the  
6 fact that I've been in contact with his attorney that's on the  
7 Harris County case, a Steven Harris, and he has told me that  
8 his warrant will be -- or his bond will be reinstated for the  
9 Harris County case, that he was --

10 THE COURT: Well, wait, hold on, hold on. That's  
11 less what I'm interested in. It's very clear there's some  
12 document that says he had a court date on the 8th, it's a --  
13 hold on a minute.

14 MR. BENNETT: The Government moved three exhibits  
15 yesterday that has --

16 THE COURT: Yeah, yeah, I'm looking at it. Hold on,  
17 hold on, hold on.

18 So the second page of Government -- well, I guess  
19 Government's Exhibit 2 says on July 1 the Court found the  
20 Defendant was indigent, the Court orders the cause to be set  
21 for arraignment on Friday, July 8th at 9:30, 1201 Franklin,  
22 it's signed by a judge, defense attorney signed it. Does, you  
23 know, Defendant -- witnessed signature, Defendant in custody.  
24 This appears to report events that happened live in court.

25 Did you ask his defense counsel if that date had

1       been read to him in open court?

2               MR. OKORAFOR: That is a different attorney and I  
3       can explain that mix-up. So my client was appointed a court-  
4       appointed lawyer out of his presence. That document is  
5       something that happened in the District Court of Harris  
6       County. My client was not brought to court and that's  
7       highlighted by the fact that his signature is not on that  
8       document. It is the normal course of business in Harris  
9       County Court that whether the Defendant is in custody or on  
10      bond if he is present at court, he would have signed that  
11      document to how -- the fact that he got it.

12             It was the defense attorney who was appointed on  
13      that case's responsibility to relay that information to my  
14      client, but my client never received the court date. And when  
15      he was released from custody, he received that paperwork that  
16      showed no court date. And if he had received that, I think  
17      that that information would have been highlighted on the  
18      paperwork given to him when he was released.

19             So I think there's some discrepancy on what happened  
20      in the court and what happened in the Magistrate Court and  
21      subsequent to my client's release.

22             THE COURT: All right. What else?

23             MR. OKORAFOR: Last but not least, Your Honor, I've  
24      talked to my client's mother, Katherine Nformangum, and she  
25      has related information to me regarding the day the federal

1 complaint warrant was attempted to be executed and when my  
2 client, you know, talked to his mother about missing court,  
3 which he found out from a news article he pulled up on his  
4 phone, she told him to leave work in order for her and him to  
5 go downtown and turn himself in in person.

6 She had talked to an attorney and the attorney told  
7 her that it would be better for him to turn himself in to show  
8 that he wasn't trying to run, instead of getting picked up  
9 wherever he may be at the time.

10 And I think this is also highlighted by the fact  
11 that Special Agent Brown says once he contacted my client he  
12 was -- I went to his location and he was picked up that same  
13 day.

14 THE COURT: Why didn't he just go back to his house?

15 MR. OKORAFOR: His mother was not at the house, Your  
16 Honor, his mother wanted to meet him and they wanted him to be  
17 safe. So there was no adult present, so they knew that if he  
18 went to the family member's house, there would be somebody  
19 there would be with him.

20 THE COURT: I mean, you know, I'm not suggesting  
21 that we open his mother up to a full blown cross-examination  
22 here, but can I just talk to her?

23 MR. OKORAFOR: Yes, Your Honor. She's here.

24 THE COURT: Bring her up and put her under oath,  
25 Jason.

1 THE COURT: Mr. Bennett, I'm going to keep this  
2 quite limited. Okay? So --

3 MR. BENNETT: That's fine.

4 THE COURT: -- let's just be fair here. I mean  
5 they don't really actually have to put somebody on, and I'm  
6 just trying to find the facts here.

7 MR. BENNETT: Yes, sir.

8 THE COURT: Where is she?

9 MR. OKORAFOR: She's here, Your Honor.

10 THE COURT: Ma'am, what's your name, please?

11 MS. NFORMANGUM: My name is Katherine Nformangum,  
12 Your Honor.

13 THE COURT: Jason, put her under oath.

14 THE CLERK: Ma'am, raise your right hand.

15 (Witness sworn.)

16 THE WITNESS: Yes. I do.

17 THE CLERK: I'm done, Judge.

18 EXAMINATION BY THE JUDGE

19 THE COURT: Ma'am, just -- let me just ask you  
20 very cut-to-the-chase, one, was it your son's desire to turn  
21 himself in on that Saturday?

22 THE WITNESS: Yes, Your Honor.

23 THE COURT: And why didn't he just go to a police  
24 station?

25 THE WITNESS: I don't think -- we didn't know what

1 to do. It was --

2 THE COURT: Why did you sent him to some other  
3 person's house and not his own house?

4 THE WITNESS: Because I wanted him to be with an  
5 adult person that would keep him where I want him to be so  
6 that when I finish my shift at about 2:00 o'clock that day, I  
7 would take him downtown. Because I'm also -- I wanted him to  
8 just be supervised by an adult. My mother was home, but she  
9 does not understand the system or the process. Not to mean --

10 THE COURT: So it --

11 THE WITNESS: -- I fully understand it either, but  
12 I was just really scared when I saw that information on the  
13 news.

14 THE COURT: All right. So had you gotten to him  
15 before the agent got to him, you were going to bring him  
16 downtown. Where downtown?

17 THE WITNESS: I called an attorney and said this is  
18 what is going on. I didn't -- my child didn't have a court  
19 date, evidently my child had a court date we didn't know, so  
20 there's a warrant out on his arrest. What do we do? And so  
21 he did some searching and then got back with me and said,  
22 "Take him to 49 San Jacinto." That's what the person told me.

23 THE COURT: What's 49 San Jacinto? I really don't  
24 know.

25 THE WITNESS: I mean, I just in that moment I wrote

1 down that address, so I know I was going to take him to  
2 49 San Jacinto. I just -- I know it's a court or police. I  
3 didn't even ask him what is that, I just -- I was just  
4 relieved that I have a place to take him.

5 THE COURT: And did you talk to your son and did  
6 your son agree that that's what you all were going to do?

7 THE WITNESS: Yes. I told him, I said --

8 THE COURT: Okay. Mr. Bennett?

9 THE WITNESS: -- we will take -- we would --

10 THE COURT: Okay. Ma'am -- ma'am, that's fine.

11 Mr. Bennett, do you have any questions for her  
12 limited to what I just said?

13 MR. BENNETT: No, Your Honor.

14 THE COURT: And do you need to follow up at all,  
15 Mr. Okorafor?

16 MR. OKORAFOR: No, Your Honor.

17 THE COURT: All right. Ma'am, you're excused. You  
18 can go back in the gallery, please.

19 THE WITNESS: Thank you, Your Honor.

20 (Witness steps down.)

21 THE COURT: Does the defense have anything else?

22 MR. OKORAFOR: That is it, Your Honor, the defense  
23 rests.

24 THE COURT: All right. Mr. Bennett, I mean, it  
25 sounds like a very, very serious comedy of, not very funny

1 comedy of errors, with very bad communication, a lot of -- a  
2 lot of concern, a lot of well-placed concern, you know,  
3 because we've got a person who's making threats against the  
4 Senator, those threats are very scary. But I think we're all  
5 agreeing now that the issue is slight and the question is  
6 whether I can place him under probably very strict conditions  
7 that will assure his appearance.

8 And so I understand that you have a position that  
9 you're taking, but I just wonder if in light of the evidence  
10 that we've now heard, if that position is the one that you're  
11 sticking with?

12 MR. BENNETT: Yeah, I understand where the Court's  
13 coming from, Your Honor, but, yes, I am sticking with that  
14 position.

15 THE COURT: All right. Well, I've heard everything  
16 I need to hear. I think I can -- I can let him out, but on --  
17 I think it needs to be home incarceration with a GPS monitor.  
18 I'm not even going to -- I mean until, you know, we -- perhaps  
19 things change and I get more information.

20 I do credit the mother's testimony, and I combine  
21 that with, you know, the proffer of defense counsel, I don't  
22 see that he was trying to avoid court, I don't see that he was  
23 trying to avoid arrest. I believe that in particular -- I  
24 don't know who called whom, I really don't, so I'm not even  
25 taking that into account, but when the agent did call him, he

1        stayed put and he waited to go get arrested.

2                It sounds, from the account of the mother, who I do  
3        credit, that he was going to just stay right there and wait  
4        for his mom to pick him up and bring him downtown somewhere.  
5        I really don't know what 49 San Jacinto is, but it seems like  
6        it might be somewhere near the center of that side of  
7        downtown. I'm not really sure. But anyway, those are --  
8        that's why I'm making this conclusion.

9                Now, Mr. -- and, Mr. Bennett, you don't -- I'm going  
10       to ask you to help me craft conditions. That's not a waiver  
11       of your position. I just need to make sure that -- so you  
12       disagree with me, I'm making a particular finding -- and a lot  
13       of this is based on the notion that we're no longer talking  
14       about danger, and I get it that these threats are horrific,  
15       but in particular I'm not going to let him use the phone. I'm  
16       not going to let him use the internet.

17               And I'm not going to let him go to work because I'm  
18       not going to let him have access to -- he gets, you know,  
19       another -- he clearly is young and he lacks judgment and he's  
20       firing off voicemails and we're not going to give him the  
21       opportunity to do that and we're going to have Pretrial  
22       Services have access to phone records and, you know, make sure  
23       that his phone number is not being used. That's the only way  
24       that I can think of to prevent, to the extent there is any  
25       danger, to prevent any repeat of this. And the home



1 incarceration with GPS will keep him where he's supposed to  
2 be.

3 So hold on one second, let me find -- Jason, I think  
4 you extracted from this folder the -- oh, no, no, I got it, I  
5 got the case here. Hold on.

6 MR. OKORAFOR: Your Honor, while you're searching  
7 for those documents, if I may, my client is currently enrolled  
8 in college and he is scheduled to graduate this summer session  
9 with his associates degree.

10 So I understand the concerns of the Court in regard  
11 to home detention, but could it be possible for us to craft  
12 some conditions where he's able to graduate this summer?

13 THE COURT: When you say graduate, is he doing  
14 school online?

15 MR. OKORAFOR: Yes.

16 THE COURT: Well, then he could just sit in his  
17 house and we'll just let him go online for school and school  
18 only.

19 MR. OKORAFOR: Okay. So he could use the internet  
20 for school purposes?

21 THE COURT: Only for school purposes. Okay?

22 MR. OKORAFOR: Thank you, Judge.

23 THE COURT: And also I think that I need to have --  
24 there be some financial component to this. A \$50,000  
25 unsecured bond was suggested, but I think it needs to be

1       \$50,000 with a \$5,000 down payment, his mother to be a  
2       co-surety, his mother to be the third-party custodian.

3               So he's going to be on a \$50,000 bond secured by  
4       \$5,000 to be deposited into the Registry of the Court --  
5       actually, it'll be \$100,000 bond with the \$5,000 down with the  
6       mother, Katherine Nformangum, to be the third-party custodian  
7       and to be the co-surety. He'll be under Pretrial Services  
8       supervision at the times and places they deem appropriate.  
9       He'll have no access to the internet or phone other than for  
10      school, and he can make emergency phone calls for health and  
11      safety, as well as make phone calls to his lawyer or to  
12      facilitate reporting to the Court or to Probation.

13              Where's the passport?

14              MR. OKORAFOR: I believe his family has his passport  
15      at home, Your Honor.

16              THE COURT: So the passport needs to be --

17              MR. OKORAFOR: (Indiscernible).

18              THE COURT: -- the passport needs to be turned in  
19      before he gets out. To the extent that I'm allowing him to  
20      travel, and that'll be just for court purposes really, his  
21      travel is restricted to Harris County. Avoid all contact with  
22      any co-defendants, witnesses, victims or potential victims,  
23      specifically Senator Cruz or his office or any person  
24      associated with Senator Cruz. There shall be no communication  
25      with him or his staff or his office either, you know,

1 explicitly, implicitly, impliedly, through third-parties, or  
2 otherwise.

3 MR. OKORAFOR: And just to make sure, Your Honor, m  
4 client lives in Fort Bend County, so he's allowed to be at his  
5 home in Fort Bend County and to travel to Harris County for  
6 court-related purposes.

7 THE COURT: All right. Fort Bend and Harris. Do  
8 not possess a firearm, destructive device or other dangerous  
9 weapon. Refrain from any use of alcohol, refrain from any use  
10 or unlawful possession of a narcotic drug or other controlled  
11 substance, unless it's prescribed to you by a licensed medical  
12 practitioner. Do not use or consume CBD products. Comply  
13 with all court obligations in Harris County or any other  
14 county or sovereign that may have control over you, their  
15 conditions are now my conditions.

16 Report all contact with law enforcement -- one  
17 second, I need to pull up another document, just a minute.

18 (Pause in the proceedings.)

19 MR. OKORAFOR: And, Your Honor, in regards to the  
20 telephone for work and school, can he also receive phone calls  
21 from family? If he's going to be confined at home, if his  
22 mother or family tried to check in on him.

23 THE COURT: I really want him using the phone. He  
24 can't be trusted to use the phone. I mean, his mother even  
25 calls him -- his child. I mean he's clearly, you know, not

1 fully formed. I'm just not going to have him sitting in his  
2 room stewing away, you know, talking on the phone. He can  
3 study, he can read books, you know, he can just get a little  
4 time out on the electronic communications. That's how I see  
5 it. Otherwise, he should just stay in jail.

6 I'm trying to protect the victim of this crime.  
7 These are bad -- this is not -- I'm not excusing this. Okay?  
8 I mean, he left a seven-minute long voicemail and I'm just  
9 finding barely that there are conditions that I can set that  
10 will assure his appearance. And I'm also trying to protect  
11 the safety of the community.

12 By the way, if I didn't read the first four of them,  
13 you must not violate any federal, state or local law while on  
14 release; do not intimidate or attempt to intimidate any  
15 witness, juror or Officer of the Court; do not obstruct  
16 justice; do not tamper with or retaliate against any witness,  
17 victim or informant. You must immediately advise the Court,  
18 your lawyer and Pretrial before you change your address or  
19 telephone number. You must appear in court as required and  
20 surrender to serve any sentence that's been imposed upon you.

21 In addition to the conditions I already read, you'll  
22 be on home incarceration, which means -- and it'll be  
23 monitored by GPS. He's restricted to his residence at all  
24 times except for medical needs or treatment, court appearances  
25 pre-approved by Pretrial or the supervising officer.

1                   Any other conditions or objections to these  
2 conditions that I should consider now?

3                   MR. BENNETT: Not from the Government, Your Honor.

4                   MR. OKORAFOR: Not from defense, Your Honor.

5                   THE COURT: All right. So there are significant  
6 penalties and sanctions for violating these conditions, the  
7 first of which is that you could brought back to court and a  
8 warrant -- on a warrant and you could be sent to jail waiting  
9 for your trial. The second is that you could be held in  
10 contempt of court.

11                   The commission of any offense while on pretrial  
12 release can result in, if it's a felony, a 10-year sentence,  
13 or if it's a misdemeanor, a one-year sentence. You can get up  
14 to 10 years in prison if you intimidate or attempt to  
15 intimidate any witness, juror or Officer of the Court, if you  
16 obstruct justice or if you tamper with, retaliate against any  
17 victim, witness or informant, or threaten or attempt to do so.  
18 You can get up to 10 years in prison is you fail to surrender  
19 to serve any sentence that's imposed upon you or you fail to  
20 show up to court.

21                   Mr. Nformangum, I am finding that there are, by a  
22 preponderance of the evidence, that there are conditions that  
23 will assure your appearance, and because of that, the law  
24 requires me to let you go. But I need to ask you one question  
25 before we finalize this: Are you going to follow my

1 conditions?

2 DEFENDANT NFORMANGUM: Yes, sir, I will follow them.

3 THE COURT: If anybody tells you to go anywhere, to  
4 do anything with regard to court, so your lawyer, Pretrial,  
5 Probation, you know, anybody who has got a position with  
6 respect to the court, if you don't understand what they're  
7 saying to you, or you don't understand the time or the place,  
8 ask for clarification. It is not your -- you know, I'm making  
9 your mother your third-party custodian, but you are  
10 responsible for your own life and you are responsible for your  
11 own schedule and you're not just a potted plant who's, you  
12 know, got people reminding you of things.

13 If you get a court date, put it on the calendar and  
14 go. Do you understand, sir?

15 DEFENDANT NFORMANGUM: Understood, Your Honor.

16 THE COURT: All right. Jason, anything else on this  
17 one?

18 THE CLERK: Judge, just to be clear, do you want the  
19 deposit and GPS attached before he's released, as well as the  
20 passport?

21 THE COURT: I do. I think that's -- I think that's  
22 what I want to have happen because, sir, I want you to be very  
23 clear that there will be a financial burden on you and your  
24 mother if you fail to abide by my conditions. I really don't  
25 know how much your mother makes, but I think having a \$100,000

1 basically charge to the United States Government is not going  
2 to do her any good in terms of her finances.

3 Do you agree with that, sir?

4 DEFENDANT NFORMANGUM: Yes, sir. Understood.

5 THE COURT: So I mean if you violate you're going to  
6 put your mother into a life-long financial hole.

7 You understand, sir?

8 DEFENDANT NFORMANGUM: Understood, Your Honor.

9 THE COURT: All right. So, Jason, the answer is  
10 yes.

11 Anything else?

12 DEFENDANT NFORMANGUM: No, sir.

13 MR. OKORAFOR: Yes, Your Honor, briefly. I wanted  
14 to ensure he could make visits downtown to visit with me on  
15 the federal case and visit with his attorney on the state  
16 case.

17 THE COURT: Yes, I think I just said that.

18 MR. OKORAFOR: Okay.

19 THE COURT: Yeah, that goes -- and it kind of goes  
20 without saying, of course.

21 What else? Anything?

22 MR. OKORAFOR: Nothing from us, Your Honor.

23 MR. BENNETT: Nothing from the Government.

24 THE COURT: Thank you. Everyone's excused.

25 (Hearing adjourned 10:48 a.m.)

I certify that the foregoing is a correct transcript to the best of my ability due to the condition of the electronic sound recording of the ZOOM/video/telephonic proceedings in the above-entitled matter.

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